

IN RE: PETITION FOR SPECIAL EXCEPTION • BEFORE THE
NW/4 Franklin Square Drive, • DEPUTY ZONING COMMISSIONER
365 1/2 NE of Lennings Avenue • OF BALTIMORE COUNTY
14th Election District
6th Councilmanic District • Case No. 89-26-X
Franklin Square Hospital Center
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit an elderly housing facility with increased density and a waiver of building height and width requirements, as more particularly described in the Addendum attached to the Petition and Petitioner's Exhibit 1.

The Petitioner, by David Unger-Smith, its Senior Vice President, appeared, testified and was represented by Robert J. Ryan, Esquire. Also appearing on behalf of the Petition was Kris W. Baldock, Vice President of Meridian Retirement Center, Inc., and George E. Gavrelis with Daft-McCune-Walker, Inc. There were no Protestants.

Testimony indicated that the subject property, zoned D.R. 5.5, consists of 27 acres, plus or minus, and is currently unimproved. Testimony indicated that the Petitioner proposes constructing an elderly housing facility at this location within the spirit and intent of County Council Bill No. 36-88 passed June 13, 1988. The subject property is part of various adjoining and/or neighboring properties purchased by the Franklin Square Hospital Center in the 1960's. Petitioner presented evidence supporting its position that the property should be considered a part of the Hospital campus, which consists of the Franklin Square Hospital, two medical office buildings, and the proposed site for the elderly housing facility. Testimony indicated that title to the properties in question may be

in various partnerships or corporations due to the requirements imposed by financing.

Testimony indicated that Petitioner has been considering the proposed project for some time. Originally, a study was undertaken between 1978 and 1980 which addressed the need for long-term care of the elderly. Mr. Unger-Smith testified that plans were approved in 1980 and 1985 by the Trustees of the Hospital when reviewing their strategic plans. Thereafter, additional studies were undertaken by consultants as to the need and feasibility of the plan. As a result of their findings, a determination was made by the Hospital to enlist the services of the Meridian Retirement Center in the development of the proposed project.

Kris Baldock testified that Meridian in association with Franklin Square is planning to build and manage the proposed elderly housing facility. He indicated that the facility will promote the concept of continuing care and will provide independent living for the elderly through skilled nursing facilities. He testified that the project will be completed by phase-in construction, with the first phase consisting of approximately 155 units which will include a mix of studio, one bedroom, one bedroom/den, two bedroom, and assisted day care units. The second phase will consist of an additional 100 independent living units which, in addition to studio and one to two bedroom units, will contain 50 private and semi-private beds. He indicated that the proposed retirement facility will not require residents to pay a large, up-front endowment fee. Testimony further indicated that the project will provide a full component of amenity spaces for the residents, including but not limited to, multi-purpose meeting and recreation rooms; wellness programs; clinic and exercise areas; lounges; clubrooms and game rooms; a library; a fine dining room and

restaurant-quality kitchen; snack bar/ice cream parlor; private dining and entertainment area; arts and crafts area; convenience/gift shops; barber/beauty salon; laundry facilities and banking services. Further, the project will offer its residents a wide range of support services, depending upon their needs, including, but not limited to, breakfast and evening meals daily; weekly housekeeping services; weekly flat-rate laundry service; scheduled transportation service; 24-hour emergency call and health care services; 24-hour security; free health clinics and health care screening. Additionally, provisions will be made for special transportation, the purchase of additional meals, personal laundry services, and on-site health care suites limited to use by the residents.

Mr. Baldock described the physical layout of the proposed buildings emphasizing their intent to maintain a residential character in keeping with the surrounding residential community as well as for marketing purposes. The buildings will be three and four story structures set into the hillside. To evidence the residential character and design of the proposed project, Petitioner introduced Petitioner's Exhibit 3, which is an architectural drawing of the front elevation.

Mr. Gavrelis, an expert witness, testified with respect to this particular project's ability to meet the special exception requirements as set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Mr. Gavrelis' testimony addressed each issue set forth therein and concluded that the proposed project would not violate any of the requirements. He testified that in his opinion, the proposed plans will meet the needs of the general public and do so without any adverse affect on the health and welfare of the surrounding community. Testimony presented indicated that the height of the building will be 52 feet, which does

not exceed the height of Franklin Square Hospital. The site data density calculations provided clearly indicate that the requested maximum density units of 275 is a lot less than the 1,080 density units permitted by Section 432.2 of the B.C.Z.R.

To support Petitioner's request for a variance to permit maximum building width elevations of 450 feet and 600 feet, respectively, in lieu of the maximum permitted 300 feet pursuant to Section 1B01.2B.2, Petitioner presented testimony that the layout of the buildings in the fashion proposed is in the best interests of and will best meet the needs of the residents. The connections of the buildings will permit the elderly residents to move from one building to another under cover and on solid ground regardless of weather conditions. It further permits those that need support services to move about freely from one area to another in order to avail themselves of those services.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception and that the additional uses proposed by Petitioner are permitted as accessory uses pursuant to Section 432.1B. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use, an elderly housing facility with increased density and waiver of building height and width See addendum to D. 4B
herein described property for an elderly housing facility with increased density and waiver of building height and width See addendum to D. 4B
attached. DATE 1-9-89
1000 4B

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
FRANKLIN SQUARE HOSPITAL CENTER, INC.

(Type or Print Name)

BY: David Unger-Smith
Signature David Unger-Smith
Senior Vice President

(Type or Print Name)

Signature

Address Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

236
Franklin Square Hospital Center, Inc.
2000 Franklin Square Dr. 682-7248
Baltimore, MD 21237 Phone No.

Commissioner of Baltimore County, this 24 day

of 1988, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 26th day of August, 1988, at 11 o'clock

A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County.

PETITION FOR SPECIAL EXCEPTION FRANKLIN SQUARE HOSPITAL CENTER, INC.

Special Exception Requested:

1. For use of the property for construction of an elderly housing facility with permitted accessory uses as authorized by Section 1B01.1.C.21 and 22 and in accordance with the provisions of Section 432.

2. For a modification or waiver of maximum residential density to approve an increase in the residential density to permit Two Hundred Seventy-Five (275) density units for an elderly housing facility on the campus of Franklin Square Hospital Center, Inc. as permitted by Section 1B01.1.C.21 and 22 and Sections 432.1 and 432.2B in lieu of the maximum One Hundred Forty-Eight (148) and the maximum One Thousand Eighty-One (1,081) density units permitted under the provisions of Bill 36-88.

3. For a waiver of the maximum building height in a residential (DR 5.5) zone to permit construction of an elderly housing facility up to a maximum height of fifty-two (52) feet as permitted by Section 432.2B.

4. To permit a maximum width of building elevations of four hundred fifty (450) feet and six hundred fifty (650) feet instead of the three hundred (300) feet pursuant to the provisions of Section 1B01.2B2.

After reviewing all of the testimony and evidence presented, the special exception and variances should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on the Petitions held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of October, 1988 that the Petition for Special Exception to permit an elderly housing facility with permitted accessory uses as authorized by Section 432.1B of the B.C.Z.R.; an increase in the residential density units to permit 275 units; a waiver of maximum building height in a residential zone to permit construction of an elderly housing facility up to a maximum height of 52 feet; and a maximum width of building elevations of 450 feet and 650 feet in lieu of 300 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

1. Election District 14, Councilmanic District 6
2. All driveway and parking surfaces shall be provided with a durable, dustless and properly-drained surface maintained so as to not create any undesirable conditions. Widths are shown on plan.

3. <u>Total Project - Preliminary Unit Mix</u>			
<u>Unit Type</u>	<u>Dwelling Units</u>	<u>Factor</u>	<u>Density Units</u>
2 Bedroom	23	(1.00)	23.00
1 Bedroom w/Den	46	(1.00)	46.00
1 Bedroom	126	(0.75)	105.50
Studio	46	(0.50)	24.00
<hr/>			
Assisted Living	30 Beds	(0.25)	7.50
Nursing Home	50 Beds	(0.25)	12.50
<hr/>			
Total	255 D.V. 80 Beds		222.25 Dn.U.

This petition seeks a Special Exception to permit a maximum 275 density units for an elderly housing facility on the Franklin Square Hospital campus. The preliminary mix of elderly housing units by type and of assisted living and nursing beds is based on preliminary architectural plans which are subject to modification as final plans are developed. Accordingly, the preliminary mix may be modified if in compliance with the terms of this Special Exception and all applicable zoning standards are modified by this petition.

a.	Net Site Area	25.69 Acres
b.	Gross Site Area (30' of Franklin Square Drive)	27.00 Acres
c.	Present Zoning	DR 5.5
d.	Maximum Permitted Dwelling Units at DR 5.5	148 D.U.
e.	Maximum Permitted Density Units by Section 432.2 at 40 Du.U. per acre	1,080 Du.U.
f.	Maximum Requested Density Units	275 Du.U.
g.	Proposed Density	10.2 Du.U./Ac

a.	255 Dwelling Units @ 1/D.U.	255 Spaces
b.	30 Assisted Living Beds @ 1/2 Beds	15 Spaces
c.	50 Nursing Beds @ 1/3 Beds	17 Spaces
d.	Total Required Spaces	287 Spaces
e.	Spaces Provided	287 Spaces

6. Site landscaping and screening shall be in compliance with the Baltimore County Landscape Manual.

7. All site lighting and any fixture used to illuminate parking areas shall be arranged to reflect light away from adjoining residential premises and public streets.

8. On-site stream and drainage courses are as shown

9. The site plan and building footprints are based on preliminary architectural plans which are subject to modification as final plans are developed. Accordingly, site and building plans may be modified if in compliance with the terms of this Special Exception and all applicable zoning standards as are modified by this petition.

Franklin Square/MRC Limited Partnersh
c/o Meridian Retirement
21 West Road
Towson, Maryland 21204

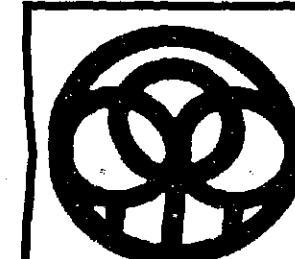
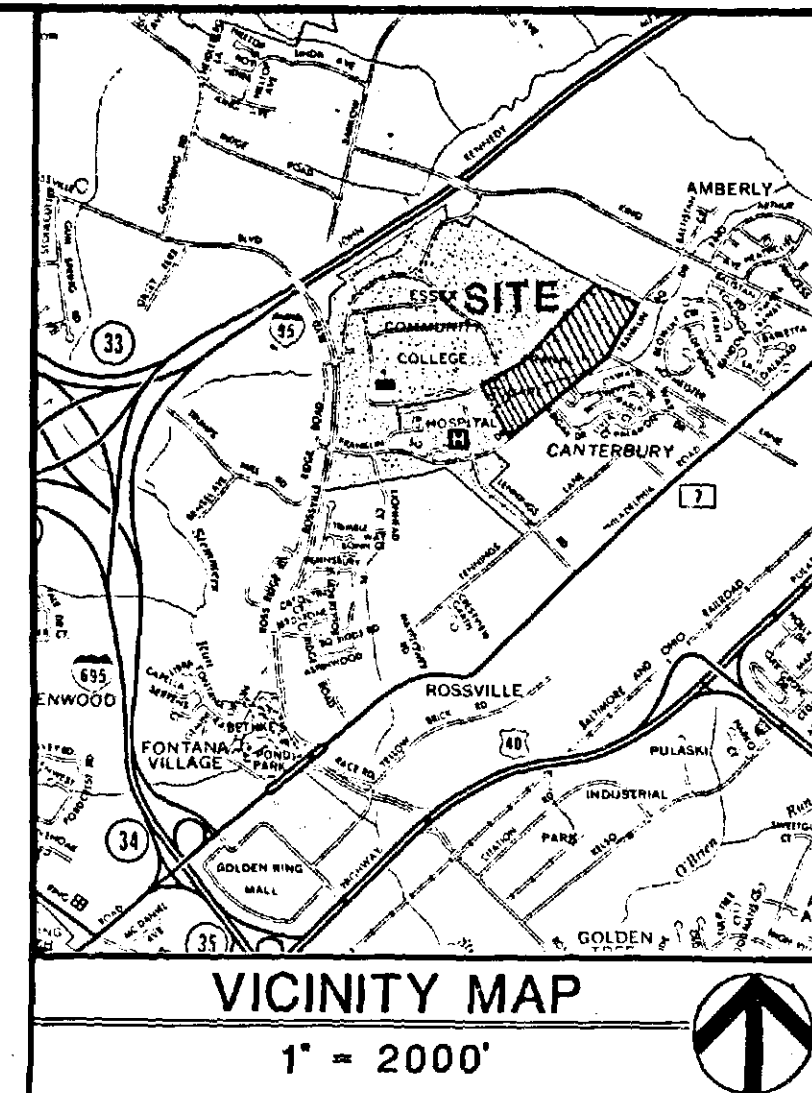
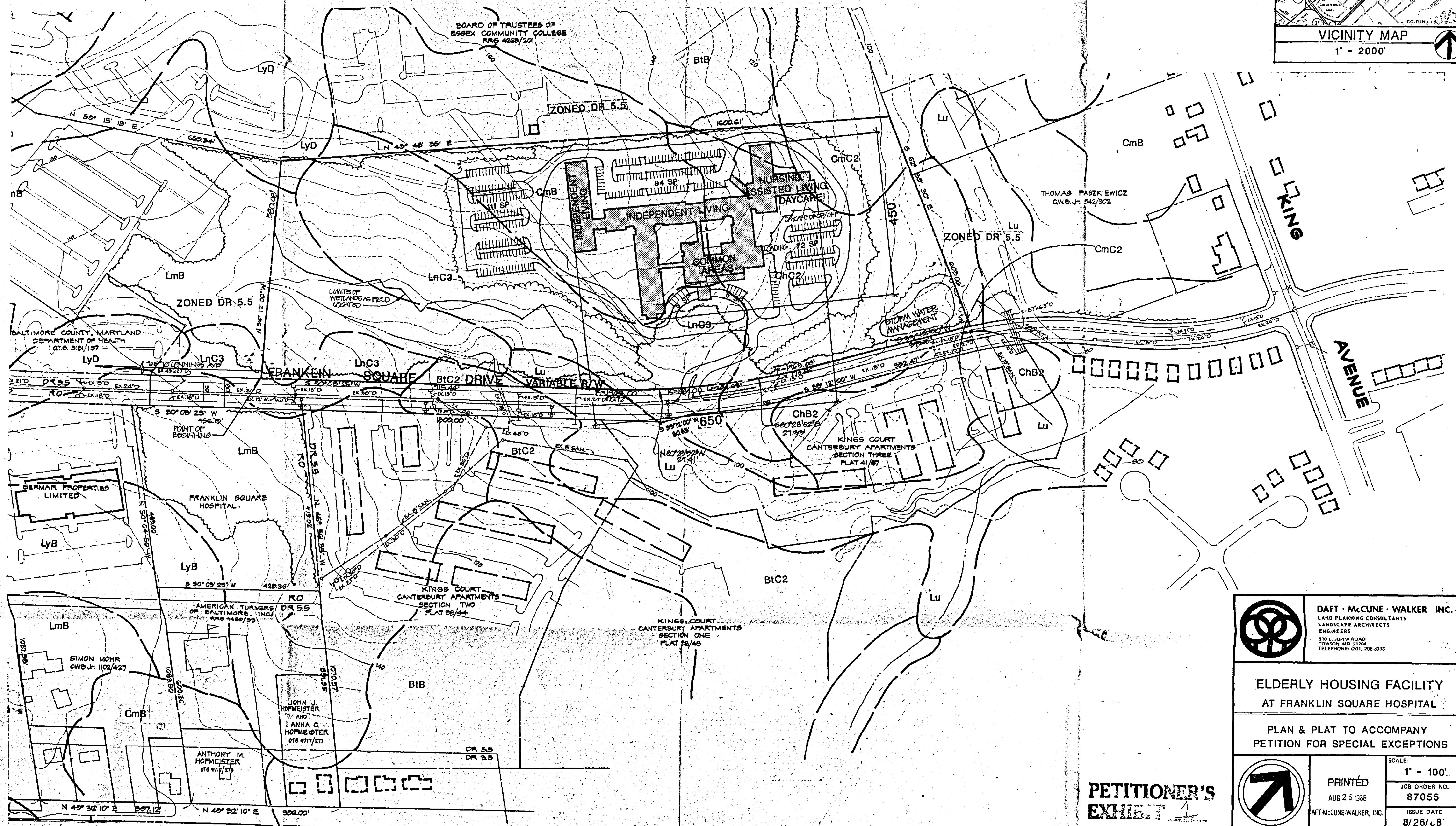
11. Proposed Elderly Housing Facility if 52 feet high as is the height of the Franklin Square Hospital core building.

12. Waiver No. W-88-153 granted waiver of CRG (meeting and process) by Planning Board on June 16, 1988.

Required: 255 units @ 650 S.F./unit = 3.8 Acres
Provided: 3.8 Acres

Open space will be maintained by Franklin Square Hospital/MRC Limited Partnership.

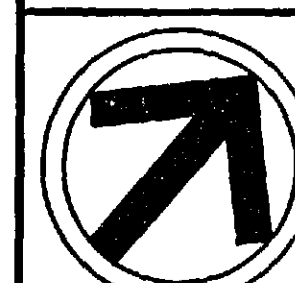
Retirement Community: 255 units @ 3.3/unit
= 841.5 trips/day



DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-4333

ELDERLY HOUSING FACILITY
AT FRANKLIN SQUARE HOSPITAL

PLAN & PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTIONS



PRINTED
AUG 26 1968
DAFT-McCUNE-WALKER

SCALE:
1" = 100'

JOB ORDER NO.
87055

ISSUE DATE
8/26/88

DATE	REVISIONS
8/25/98	BUILDING FOOTPRINT, MIX

IN RE: PETITION FOR SPECIAL EXCEPTION NW/S Franklin Square Drive, 965' +/- NE of Lennings Avenue, 14th Election District 6th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-26-X

Franklin Square Hospital Center
Petitioner

ORDER

Upon consideration of the Petition of FRANKLIN SQUARE HOSPITAL CENTER, INC., et al, Petitioner, and the facts alleged therein, and under the authority of Section 502.3 of the Zoning Regulations of Baltimore County,

It is hereby ordered this 14th day of September, 1990 that the time period for utilization of the special exception granted in the captioned case is extended on an interim basis from October 3, 1990 through December 2, 1990, for the purposes of allowing the Petitioner to proceed with the special hearing on its previously filed Request for Extension of the Time for Utilization of the Special Exception; subject, however, to the following restrictions:

1. The Petitioner shall not commence construction of the project on the property on the basis of the special exception after October 3, 1990 unless and until it receives an order approving the further extension of time to utilize the special exception pursuant to the special hearing requested by the Petitioner.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner for
Baltimore County

cc: People's Counsel
Robert J. Ryan, Esquire

IN RE: PETITION FOR SPECIAL EXCEPTION NW/S Franklin Square Drive, 965' +/- NE of Lennings Avenue, 14th Election District 6th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-26-X

Franklin Square Hospital Center
Petitioner

PETITION FOR INTERIM EXTENSION OF TIME FOR UTILIZATION OF SPECIAL EXCEPTION

FRANKLIN SQUARE HOSPITAL CENTER, INC., Petitioner, HELIX HEALTH SYSTEM, INC., its parent corporation, and FRANKLIN SQUARE MRC LIMITED PARTNERSHIP, developer of the proposed elderly housing facility, request an extension of the time for utilization of the special exception pending a special hearing, and say as follows:

1. The special exception was granted to the Petitioner by a final Order dated October 3, 1988.

2. An application has been made to the Department of Housing and Urban Development of the United States Government for mortgage guarantees for the purpose of developing the elderly housing facility which was the subject for the special exception.

3. Unexpected delays have been experienced in the mortgage application process. It now appears likely that the mortgage will not be received in time to commence construction before October 3, 1990, the second anniversary of the special exception.

4. The partners of the FRANKLIN SQUARE MRC LIMITED PARTNERSHIP have invested substantial funds in the engineering and design for the building, grading, storm water management, and other site improvements. Grading permits and building permits have been or will soon be issued. Work will be commenced promptly upon settlement of the mortgage financing and will be diligently pursued to completion of the project.

5. A Petition for Special Hearing for the extension of time for utilization of the special exception has been filed and the special hearing has been scheduled for October 11, 1990.

6. There were no protestants at the special exception hearing, and no objections are expected to be heard in connection with the extension of the time period for the utilization of the special exception.

7. The Petitioner agrees that it shall not proceed with construction of the project after October 3, 1990 based upon the special exception unless and until the extension of time is approved as a result of the special hearing.

WHEREFORE, the Petitioner requests an interim extension of the time for utilization of the special exception under the provisions of 502.3 of the Zoning Regulations of Baltimore County for a period of sixty (60) days from October 3, 1990 to permit a decision to become final after the special hearing on the Petitioner's request for a two-year extension of the time for utilization of the special exception.

Respectfully submitted,
FRANKLIN SQUARE HOSPITAL CENTER,
INC.

BY: HELIX HEALTH SYSTEM, INC.,
its parent,
and

FRANKLIN SQUARE MRC LIMITED
PARTNERSHIP

By: *Robert J. Ryan*
ROBERT J. RYAN, Attorney for
Petitioner

E. SCOTT MOORE
ROBERT E. CARNEY, JR.
ROBERT J. RYAN
RICHARD L. LATTANZI
JUDITH L. THORLEIGH
RONALD A. DECKER
DAVID H. MEADOWS

MOORE, CARNEY, RYAN & LATTANZI
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401 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236

(301) 529-4600
FAX 529-6146

September 13, 1990

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: Franklin Square Hospital Center
Case No. 89-26-X

Dear Ann:

I am enclosing with this letter the Petition for Interim Extension of the Time for Utilization of the Special Exception which I discussed with you by phone. I have also prepared a proposed order.

I would appreciate it if you would review this petition, sign an appropriate order granting an interim extension to allow us to resolve this matter at a special hearing, and return a copy of the order to me.

Thank you very much for your help.

Very truly yours,

Robert J. Ryan
Robert J. Ryan

RJR:cl

Enclosures (2)

cc: Mr. Kris W. Baldock, w/encls.
Mr. David Unger-Smith, w/encls.
Thomas B. Lewis, Esquire, w/encls.

IN RE: PETITION FOR SPECIAL EXCEPTION NW/S Franklin Square Drive, 965' +/- NE of Lennings Avenue, 14th Election District 6th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-26-X

Franklin Square Hospital Ctr.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, Counsel for Petitioners has requested an extension of the utilization of the special exception granted in the above-captioned matter;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of August, 1990 that a public hearing be scheduled to determine the appropriateness of extending the special exception granted on October 3, 1988, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and,

IT IS FURTHER ORDERED that public notice of the hearing be given by posting the property and advertising the hearing on same at Petitioners' expense.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Robert J. Ryan, Esquire
4111 E. Joppa Road, Baltimore, Md. 21236

Mr. Kris W. Baldock
Meridian Retirement Center
228 W. Tinchum Road, Lutherville, Md. 21093

Mr. George E. Cavrellis
Daff-Walsh-Walker, Inc.
290 E. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 20, 1990

Robert J. Ryan, Esquire
4111 E. Joppa Road
Towson, Maryland 21204

RE: Petition for Special Exception NW/S Franklin Square Drive, 965' +/- NE of Lennings Avenue 14th Election District - 6th Councilmanic District Franklin Square Hospital Center - Petitioner Case No. 89-26-X

Dear Mr. Ryan:

Enclosed please find a copy of the decision rendered regarding your request for an extension of the utilization of the special exception granted in the above-captioned matter.

Please be advised that Gwendolyn Stephens, our Docket Clerk, will be contacting you in the near future to arrange a mutually convenient hearing date and time.

Thank you for your consideration in this matter.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Case File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Gwendolyn Stephens
Docket Clerk

DATE: August 20, 1990

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Petition for Special Exception NW/S Franklin Square Drive, 965' +/- NE of Lennings Avenue 14th Election District - 6th Councilmanic District Franklin Square Hospital Center - Petitioner Case No. 89-26-X

In accordance with the attached Order, the above-captioned case must be set in for a public hearing. Please contact Mr. Robert Ryan, attorney for the Petitioner, to schedule a mutually convenient date and time for our docket, and notify all parties relative to the case of the scheduled date and time.

Thank you for your assistance in this matter and if you should have any questions, please do not hesitate to contact me.

AMN:bjs

cc: Case File

IN RE: PETITION FOR SPECIAL EXCEPTION NW/S Franklin Square Drive, 965' +/- NE of Lennings Avenue, 14th Election District 6th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-26-X

Franklin Square Hospital Center
Petitioner

PETITION TO EXTEND SPECIAL EXCEPTION

FRANKLIN SQUARE HOSPITAL CENTER, INC., Petitioner, and FRANKLIN SQUARE MRC LIMITED PARTNERSHIP, developer of the proposed elderly housing facility, request an extension of the special exception granted by the Deputy Zoning Commissioner for Baltimore County on October 3, 1988, and say as follows:

1. An application has been made to the Department of Housing and Urban Development of the United States Government for mortgage guarantees for the purpose of developing the elderly housing facility which was the subject for the special exception.

2. Unexpected delays have been experienced in the mortgage application process. It now appears likely that the mortgage will not be received in time to commence construction before October 3, 1990, the second anniversary of the special exception.

3. Plans are proceeding for the development of the elderly housing facility. The special exception is still needed for the development.

WHEREFORE, the Petitioner requests an extension of the special exception from October 3, 1990 to October 3, 1992.

Respectfully submitted,
FRANKLIN SQUARE HOSPITAL
CENTER, INC.

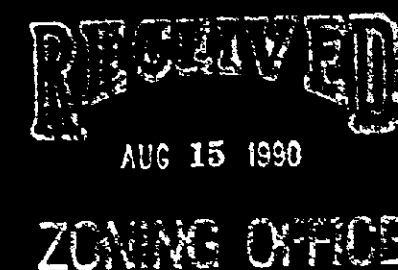
By: *Robert J. Ryan*
Robert J. Ryan, Attorney
for Petitioner

E. SCOTT MOORE
ROBERT E. CARNEY, JR.
ROBERT J. RYAN
RICHARD E. LATTANZI
JUDITH L. HARKLERODE
RONALD A. DECKER
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(301) 526-4600
FAX 526-6166

August 14, 1990



Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: Petition for Special Exception
NW/S Franklin Square Drive, 965' +/- NE of Lennings
Avenue, 14th Election District, 6th Councilmanic
District, Franklin Square Hospital Center, Inc.
Petitioner, Case No. 89-26-X

Dear Ms. Nastarowicz:

I am enclosing with this letter a Petition to Extend the Special Exception granted by you on October 3, 1988 and an Order Extending the Special Exception. This extension is necessary because of the delays in the mortgage application process which I discussed with you in June.

If you have any questions in reference to this matter, please do not hesitate to call me. After you have signed the Order, I would appreciate your sending one copy to me.

Very truly yours,

Robert J. Ryan

RJR:c1

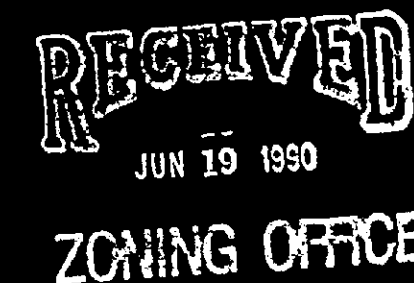
Enclosures (2)

cc: Mr. Kris W. Baldock, w/o encls.
Thomas B. Lewis, w/o encls.
Mr. David Unger-Smith, w/o encls.
People's Counsel, w/encls.

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236

(301) 526-4600
FAX 526-6166

June 18, 1990



Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 89-26-X--Franklin Square Hospital Elderly
Housing Facility

Dear Ms. Nastarowicz:

Thank you for agreeing to see me on Thursday, June 21, 1990 at 1:00 P.M.

The purpose for my meeting is to show you the latest copy of the site plan drawings for this project and to obtain your views as to the continuing applicability of the special exception which you granted in your order.

In order to meet lending parameters, it was necessary to reduce the footprint of the building. In order to accomplish that and retain the desired number of units, some portions of the building which were fewer than four stories have been expanded to the four-story level.

None of the parameters set forth in the special exception has been exceeded. The building elevation will remain under 52 feet; the maximum width of the building elevations will be less than 450 and 650 feet, respectively, and the number of units will not exceed 275.

Since a great deal of money will be at stake when this project goes through the final approval steps for the financing, it was felt that the conservative approach called for me to ask you to review it one more time.

I look forward to seeing you on June 21.

Very truly yours,

Robert J. Ryan

RJR:c1

2

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236

(301) 526-4600
FAX 526-6166

February 6, 1991

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: Special Exception
Franklin Square Hospital Center
Case No. 89-26-X

Dear Ms. Nastarowicz:

This is an update on the status of the Franklin Woods' project and the plans for that property.

You may already know from the Baltimore Business Journal that the elderly housing facility project has been deferred. This action was taken because of the general decline in the real estate market which raised questions concerning the financial feasibility of the project. As you are probably aware, many of the persons who would wish to enter an elderly housing facility would have to sell an existing home before making the move. In the current real estate market, the rate of resale is so slow that the projected rate of occupancy of the elderly housing facility fell below the level necessary for economic feasibility.

The limited partners have contracted to obtain a certificate of need or license for nursing home beds. That contract is subject to approval by the Maryland Health Resources Planning Commission. If that commission approves the transfer of the right to operate the nursing home beds to the partners, they plan to modify their project and proceed with the construction of a nursing home on the property.

If the nursing home project is approved by the Planning Commission, we will contact your office to begin the steps which are necessary to apply for the new special exception and the modification of the old special exception.

Very truly yours,

Robert J. Ryan

RJR:c1

cc: Mr. Gregory D. Bellware
Parkway Ventures

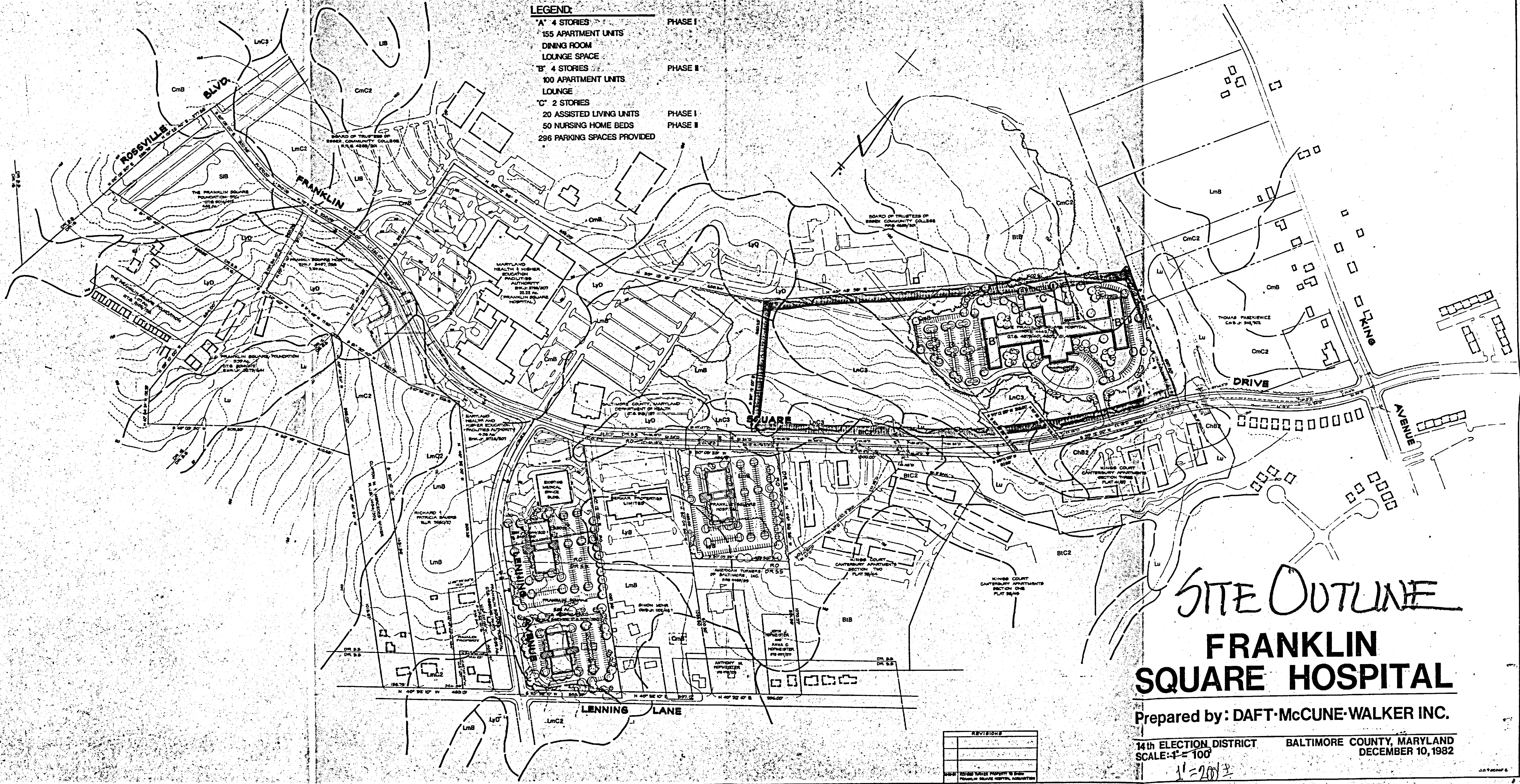
Mr. Kris W. Baldock
Meridian Healthcare

Thomas B. Lewis, Esquire

LEGEND:

- "A" 4 STORIES
155 APARTMENT UNITS
DINING ROOM
LOUNGE SPACE
- "B" 4 STORIES
100 APARTMENT UNITS
LOUNGE
- "C" 2 STORIES
20 ASSISTED LIVING UNITS
50 NURSING HOME BEDS
296 PARKING SPACES PROVIDED

- PHASE I
- PHASE II
- PHASE I
- PHASE II



SITE OUTLINE

FRANKLIN SQUARE HOSPITAL

Prepared by: DAFT-McCUNE-WALKER INC.

14th ELECTION DISTRICT
SCALE: 1" = 100'
BALTIMORE COUNTY, MARYLAND
DECEMBER 10, 1982

REVISIONS

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 3, 1988



Robert J. Ryan, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL EXCEPTION
NW/4 Franklin Square Drive, 965' +/- NE of Lennings Avenue
14th Election District - 6th Councilmanic District
Franklin Square Hospital Center, Inc. - Petitioner
Case No. 89-26-X

Dear Mr. Ryan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Kris W. Baldock
Meridian Retirement Center
228 W. Timonium Road
Lutherville, Maryland 21093

Mr. George E. Gavrelis
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Maryland 21204

People's Counsel

File

DAFT-MCUNE-WALKER, INC.



200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

421

Description

To Accompany Zoning Petition
25.690 Acre Parcel

Northwest Side of Franklin Square Drive
Approximately 965 Feet Northeastly of Lennings Avenue
Fourteenth Election District, Baltimore County, Maryland.

Beginning for the same at a point at the end of the two following courses and distances from the centerline intersection of Lennings Avenue at Franklin Square Drive (1) Northeastly 965 feet measured along the centerline of Franklin Square Drive, and thence (2) running northwesterly at right angles to said centerline 40.00 feet, thence leaving said point of beginning and leaving the right-of-way line of Franklin Square Drive and running (1) North 36 degrees 12 minutes 00 seconds West 580.08 feet, thence (2) North 43 degrees 45 minutes 35 seconds East 1600.61 feet, thence (3) South 62 degrees 39 minutes 30 seconds East 603.06 feet to the northwest right-of-way line of Franklin Square Drive aforesaid, thence running and binding on the northwest right-of-way line of said Franklin Square Drive, the seven following courses and distances, viz: (4) South 33 degrees 12 minutes 00 seconds West 393.25 feet, thence (5) southwesterly by a line curving to the right having a radius of 1965.00 feet for a distance of 174.66 feet (the arc of said curve being subtended by a long chord bearing South 35 degrees 51 minutes 44 seconds West 174.61 feet), thence (6) South 80 degrees 28 minutes 52 seconds East 27.33

Page 1 of 2

feet, thence (7) southwesterly by a line curving to the right having a radius of 1989.00 feet for a distance of 231.63 feet (the arc of said curve being subtended by a long chord bearing South 41 degrees 15 minutes 00 seconds West 231.50 feet), thence (8) North 80 degrees 28 minutes 52 seconds West 29.41 feet, thence (9) southwesterly by a line curving to the right having a radius of 1965.00 feet for a distance of 170.72 feet (the arc of said curve being subtended by a long chord bearing South 47 degrees 34 minutes 08 seconds West 170.67 feet) and thence (10) South 50 degrees 03 minutes 25 seconds West 915.44 feet to the point of beginning; containing 25.690 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Our Job No. 82067-E (182067E.2)

May 16, 1988



Page 2 of 2

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NW/4 Franklin Square Dr., 965' +/- NE of Lennings Ave., 14th District : OF BALTIMORE COUNTY

FRANKLIN SQUARE HOSPITAL CENTER, INC., Petitioner : Case No. 89-26-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of July, 1988, a copy of the foregoing Entry of Appearance was mailed to Robert J. Ryan, Esquire, 4111 East Joppa Rd., Baltimore, MD 21236, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

JUL 11 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 89-26-X
NW/4 Franklin Square Drive, 965' +/- NE of Lennings Avenue
14th Election District - 6th Councilmanic District
Petitioner(s): Franklin Square Hospital Center, Inc.
HEARING SCHEDULED: FRIDAY, AUGUST 26, 1988 at 11:00 a.m.

Special Exceptions Construction of an elderly housing facility with permitted accessory uses modification or waiver of maximum residential density to approve an increase in the residential density to permit 275 density units in lieu of the maximum 160 dwelling units and density to permit 275 density units in lieu of the maximum building height in the maximum 1,081 density units permitted; for a waiver of the maximum building height in a DR 5.5 zone to permit construction up to a maximum height of 52 feet to permit a maximum width of building elevations of 450 feet and 650 feet instead of the 300 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: David Unger-Smith
Robert J. Ryan, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 8/16/88



Mr. David Unger-Smith,
Senior Vice-President
Franklin Square Hospital Center, Inc.
9000 Franklin Square Drive
Baltimore, Maryland 21237

Re: Petition for Special Exception
CASE NUMBER: 89-26-X
NW/4 Franklin Square Drive, 965' +/- NE of Lennings Avenue
14th Election District - 6th Councilmanic District
Petitioner(s): Franklin Square Hospital Center, Inc.
HEARING SCHEDULED: FRIDAY, AUGUST 26, 1988 at 11:00 a.m.

Dear Sir:

Please be advised that \$117.75 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post set(s) to the Zoning Office, County Office Building, Room 106, 111 W. Chesapeake Avenue, Towson, Maryland 21204, 15 minutes before each set not

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 058932
DATE 8/26/88 ACCOUNT 8-11-615-000
AMOUNT \$ 117.75
RECEIVED FROM Franklin Square Hospital Center, Inc.
FOR Printing Advt. 8-26-88 Hearing
B 8037*****11775-0 87689-26-X
VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

JULY 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement of
PO# 02650 REQ M18824 TO ADVERTISE PETITION
FOR SPECIAL EXCEPTION CASE NUMBER 89-26-X
NW/4 Franklin Square Drive, 965' +/- NE of Lennings Ave
14th Election District - 6th Councilmanic District
Petitioner(s): Franklin Square Hospital Center, Inc.
HEARING SCHEDULED: FRIDAY, AUGUST 26, 1988 at 11:00 a.m.
105 lines at \$57.75

was inserted in The Avenue News a weekly newspaper
published in Baltimore County, Maryland once a week for one
successive week(s) before the 26th day of July 1988
that is to say, the same was inserted in the issues of 7/28/ 19 88

The Avenue Inc.

per publisher

By Susan Caldwell

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14TH Date of Posting: 8/16/88
Posted for: Special Exception
Petitioner: Franklin Square Hospital Center, Inc.
Location of property: NW/4 Franklin Square Drive, 965' +/- NE of Lennings Ave.
Location of Sign: Franklin Square Hospital Center, Inc. 9000 Franklin Square Drive, Baltimore, MD 21237
Remarks: on property of Franklin Square Hospital Center, Inc.
Posted by: [Signature] Date of return: 8/16/88
Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD, July 28, 1988
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of successive weeks, the first publication appearing on July 28, 1988

THE JEFFERSONIAN,

S. Zeke Orman
Publisher

45.00

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Exception
CASE NUMBER: 89-26-X
NW/4 Franklin Square Drive, 965' +/- NE of Lennings Avenue
14th Election District - 6th Councilmanic District
Petitioner(s): Franklin Square Hospital Center, Inc.
HEARING SCHEDULED: FRIDAY, AUGUST 26, 1988 at 11:00 a.m.
Special Exceptions Construction of an elderly housing facility with permitted accessory uses modification or waiver of maximum residential density to approve an increase in the residential density to permit 275 density units in lieu of the maximum 160 dwelling units and density to permit 275 density units in lieu of the maximum building height in the maximum 1,081 density units permitted; for a waiver of the maximum building height in a DR 5.5 zone to permit construction up to a maximum height of 52 feet to permit a maximum width of building elevations of 450 feet and 650 feet instead of the 300 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

89-26-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of June, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Franklin Square
Hospital Center, Inc.
Attorney: Robert J. Ryan

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Franklin Square Hospital Center, Inc.
Location: NW/S Franklin Sq. Dr., 965' + - NE of Lennings Ave.

Item No.: 421 Zoning Agenda: Meeting of 6/7/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional public fire hydrant required at main entrance drive.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Planning Dept.
Special Inspection Division

Noted and
Approved: *John F. O'Neill*
Fire Prevention Bureau

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
494-3554

July 5, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number
(421) 422, 423, 424, 425, 426, 427, 428, 429 and 430.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
JUL 11 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Robert J. Ryan, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: Item No. 421 - Case No. 89-26-X
Petitioner: Franklin Square Hospital Center, Inc.
Petition for Special Exception

Dear Mr. Ryan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
Date: July 19, 1988

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition #89-26-X

Assuming compliance with applicable County regulations, this office is supportive of the subject proposal.

PDF/jat
cc: Shirley Hess, People's Counsel
J.S. Howell
Zoning File

RECEIVED
JUL 20 1988
ZONING OFFICE

cc: Robert S. Ryan, Esq.
July 21, 1988

CPS-008



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

June 17, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Att: Mr. James Dyer

Re: Baltimore County
Franklin Square Hospital
Zoning Meeting of 6-7-88
N/S Philadelphia Road
Maryland Route 7
Lennings Avenue
(Item #421)

Dear Mr. Dyer:

After reviewing the submittal of a special exception to permit an elderly housing facility, the State Highway Administration - Bureau of Engineering Access Permits finds the plan generally acceptable.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Daft, McCune & Walker, Inc.
Mr. J. Ogle

RECEIVED
JUN 21 1988
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 363-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 421, Zoning Advisory Committee Meeting of June 7, 1988
Property Owner: Franklin Square Hospital Center, Inc.
Location: NW/S Franklin Square Drive District 14
Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- (X) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- (X) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Natural and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____, must be _____ conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

John A. Smith
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
ROBERT J. RYAN, Esq.	4111 East Joppa Rd. Baltimore 21236
Kris W. Baldock	238 W. Timonium Rd. 21043
DAVID L. UNGER-SMITH	9200 Franklin Square Dr. N. 21237
George E. Gravellis	111 West Chesapeake Avenue Towson, Maryland 21204
Robert L. Lipton	3607 Antin Farms Rd. 21208

Copy of op-
Roz Hamblett

Northeast Times/499 Wash. Ave
- 337-2447

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
401 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236
September 7, 1988

E. SCOTT MOORE
ROBERT J. RYAN, JR.
RICHARD E. LATTANZI
JUDITH L. MARCERODE
RONALD A. BECKER
DAVID M. MEDOWS

Anne Nastarowicz, Esquire
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 89-26-X
Franklin Square Hospital Center, Inc.
Petition for Elderly Housing

Dear Ms. Nastarowicz:

The purpose of this letter is to outline my comments in regard to the inapplicability of Section 432.3 of the Zoning Code to the petition filed by Franklin Square Hospital.

I understand that you have a concern about the applicability of that section because it deals with elderly housing facilities on properties containing institutional buildings. You have noted at the hearing that the term "institutional uses" was defined by the inclusion of "hospital campuses" in Section 432B. Because of that definition, you have expressed a concern that 432.3 may be applicable and that the hospital would be required to provide proof of compliance with Section 432.3.

It is our belief that 432.3 was not intended to apply to elderly housing facilities on hospital campuses. I will restate our argument on that position later in this letter. Before I do that, however, I want to focus on the language in 432.3 because I think that the language of that section excludes Franklin Square's situation, whether or not the section was intended to apply to hospitals as an institutional use.

Section 432.3 created provisions for increasing the maximum residential density for elderly housing facilities on property containing institutional or historic buildings. We note that the language in 432.3 does not refer to "hospital campuses." That term is used in 432.2 to grant the increase in residential density or building height for elderly facility on hospital campuses. In Section 432.3, the land references are to "property" and to "institutional site." The three property terms are not defined in the statute. There are distinct differences in meaning, however, both as defined in Webster's Dictionary and as to common usage.

Anne Nastarowicz, Esquire
September 7, 1988
Page 4

apply. The purpose of Section 432.2 and Section 432.3 was, in each instance, to authorize an increase in density under certain specific conditions. Each was intended, we believe, to apply separately. The provisions of Section 432.2 are the exclusive provisions for development of elderly housing facilities on hospital campuses.

We understand your concern based upon the language in Section 432B. We would note, however, that the reference in that subsection to institutional uses and hospital campuses is limited, by its language, to that section. If it was intended to be a general definition to be applied throughout all of the sections in the legislation, it would have indicated that it applied to all of the sections which were drafted concerning elderly housing. It does neither. It appears to us that it was limited to the expression of a policy statement concerning the development of elderly housing facilities.

There is another policy reason why we believe that Section 432.3 was not made applicable to hospitals in general. One of the principal requirements in Section 432.3 is the development of a community advisory board. Each of the hospitals in Baltimore County is a not-for-profit entity with a community based board of trustees. Consequently, each hospital already has community involvement through its board. Although the board members are not selected in the manner set forth in Section 432.3, the essential purpose of having community involvement in the operation of the entity is adequately met through the existing hospital board.

I appreciate very much your consideration of these thoughts. I will be happy to appear before you for further argument on this matter or to meet with you or other representatives of the Zoning Office to discuss this issue.

Obviously, Franklin Square is anxious to proceed with this project on a timely basis. We believe that we have met all of the requirements for the special exception provisions of Section 432 which are applicable to Franklin Square Hospital.

Very truly yours,

Robert J. Ryan
Robert J. Ryan

RJR:cl

cc: Mr. Kris Baldock
Mr. David Unger-Smith
Thomas B. Lewis, Esquire

Anne Nastarowicz, Esquire
September 7, 1988
Page 2

The term "campus" is defined in our dictionary to mean the grounds and buildings of a university, college, or school; also the grassy area in the central part of the grounds. "Grounds" is defined as a surrounding area; an area used for a particular purpose. Although these definitions are not strictly applicable to a hospital, the term "hospital campus" is generally understood to include all of the buildings and all of the surrounding and adjacent land owned by the hospital and held for future hospital or health care related purposes. As you can see from the testimony at the hearing, the hospital considers its campus to extend to all the surrounding land which it owns. It clearly includes the twenty-five acre parcel of land on which the elderly housing facility is to be constructed. That land has been owned by the hospital for approximately twenty years, and the testimony was that for the last eight or nine years it has been held for the purpose of developing an elderly housing facility.

The word "site" is defined as a plot of ground suitable or set apart for some specific use. The term does not itself necessarily mean a place or tract of land fixed by definite boundaries. This definition was found in Black's Law Dictionary, 4th Edition. Applying this term to the plot of Franklin Square, and applying the term as generally used in relation to land and buildings, the hospital as institutional site is rather clearly defined in terms of that portion of the hospital's land on which the hospital and its parking lots are located. This is confirmed in a practical sense by the fact that the Maryland Health and Higher Educational Facilities Authority took title to the hospital site as security for the bond indebtedness of the hospital. Those portions of the hospital site are clearly identified as being held by the Maryland Health and Higher Educational Facilities Authority. The hospital site does not include the land upon which the elderly housing facility is to be constructed.

The term "property" has a very broad meaning and apparently just relates to that land which is owned by a particular person or entity. In this sense, the word "property" appears to be substantially similar to the definition of campus. It would be more encompassing, however, because it would include non-contiguous land which the hospital might own in other areas of Baltimore County. In this particular case, however, the hospital's property is substantially the same as the hospital's campus.

When we review Section 432.3 with these definitions in mind, we find that that section does not, by its terms, apply to the Franklin Square Hospital situation.

Anne Nastarowicz, Esquire
September 7, 1988
Page 3

The introductory part of Section 432 indicates that it makes provisions for modifying or reducing maximum residential density standards for elderly housing facilities on property containing institutional or historic buildings. When we review the provisions of Subsection A, however, we find that neither of the situations which this section is intended to encompass applies to the Franklin Square Hospital situation. Subparagraph A outlines two categories into which the proposed development must fall in order to come under Section 432.3.

The first category is when the development involves an institutional site, where the existing institutional use will be continued on a portion of the site and an elderly housing facility will be developed on the remainder. At Franklin Square, the hospital site will continue to be used as a hospital site, and no portion of that site will be used for the elderly housing facility. The elderly housing facility will be on another portion of the hospital campus, but not on the institutional site. There is no present institutional use of the elderly housing facility site.

The second category is when the development involves property where no existing institutional use will be continued. This category also does not apply to Franklin Square Hospital. The institutional use on the property, assuming that that definition includes the hospital use, will continue. There will be no change in the hospital's institutional use of its site within the property; but a separate site on the property will be developed for the elderly housing facility.

Consequently, by a literal reading of the two categories in Section 432.3A, neither is applicable to Franklin Square Hospital and the development of the elderly housing facility on its campus.

The remaining provisions of Section 432.3 all apply to the situation in which a special exception is granted under that section. Subparagraphs B, C, D, E, F, and G all specifically relate back to the two situations encompassed in 432.3A. Since those categories do not apply, the balance of the section does not apply.

Based upon our review, we express the position that even if the term "institutional" in Section 432.3 is intended to apply to hospitals, that section is still inapplicable to the elderly housing facility to be developed by Franklin Square on its campus.

In expressing this opinion, however, we do not intend to imply that we believe that Section 432.3 was ever meant to apply to hospital campuses. We believe that Section 432.2, with its specific provisions concerning hospital campuses, is the only one meant to

Retirement
MERIDIAN

MERIDIAN/FRANKLIN SQUARE
Zoning Presentation
August 26, 1988

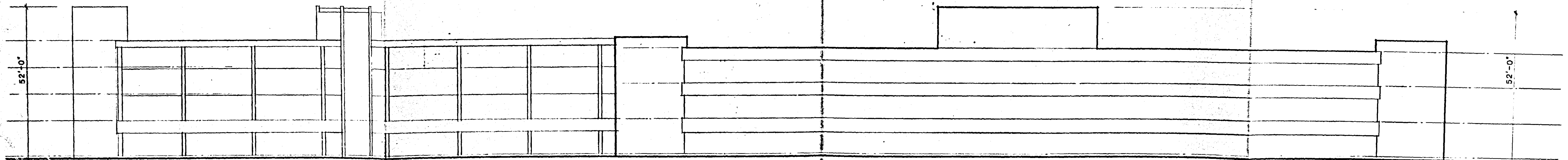
PETITIONER'S
EXHIBIT 2



FRONT ELEVATION
FRANKLIN SQUARE HOSPITAL CENTER / MERIDIAN RETIREMENT COMMUNITY
1/16" = 1'-0"

PETITIONER'S
EXHIBIT 3

EDMUNDS & HYDE INC.



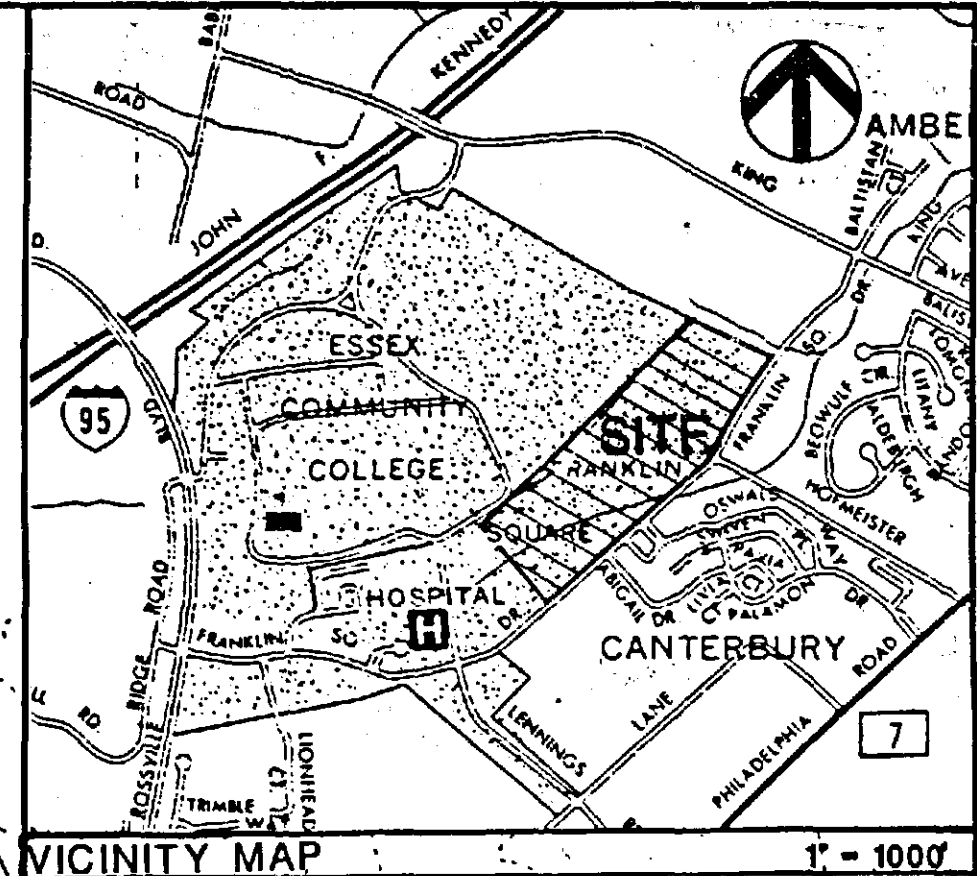
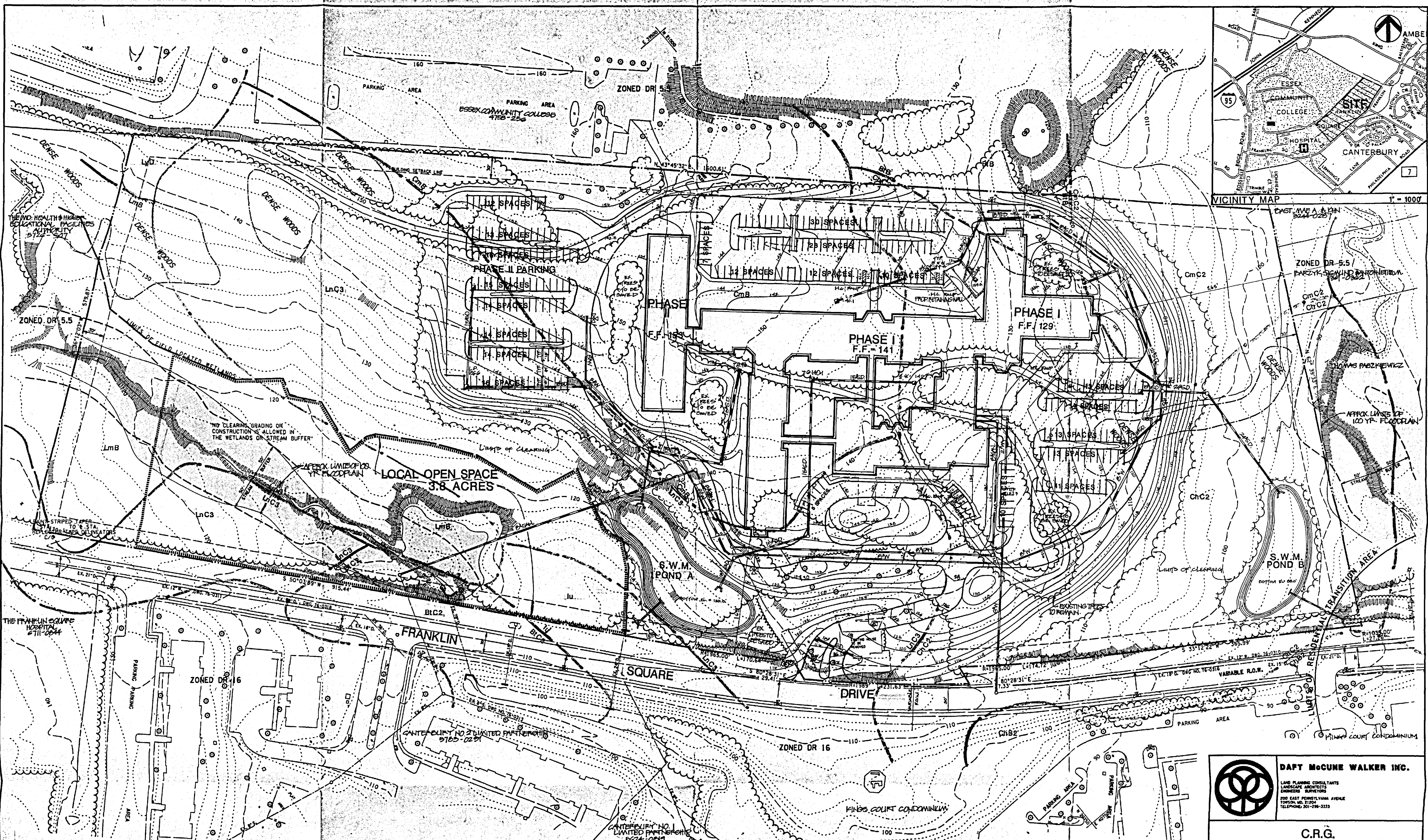
SOUTH ELEVATION
FRANKLIN SQUARE HOSPITAL CENTER
1/16" = 1'-0"

PETITIONER'S
EXHIBIT 4

EDMUNDS & HYDE INC.



REPRODUCED
FROM
ORIGINAL



NOTES:

1. Applicant/Contractor: Franklin Square Hospital, 100 East Pennsylvanian Avenue, Philadelphia, PA 19106. (215) 426-1444.

2. Stationing: Station 14, 100 East Pennsylvanian Avenue, 100+00.00.

3. Right of Way: 100 East Pennsylvanian Avenue, 100+00.00.

4. Survey: Surveyed by [Name], dated [Date].

5. Easements: Easement for [Purpose], [Width], [Location].

6. Utilities: [Details of utilities and their locations].

7. [Additional notes regarding site conditions and construction requirements].

Item	Description	Quantity	Unit	Notes
1	Grass	100,000	Sq. Yd.	For Phase I and II
2	Grass	50,000	Sq. Yd.	For Phase I and II
3	Grass	25,000	Sq. Yd.	For Phase I and II
4	Grass	12,500	Sq. Yd.	For Phase I and II
5	Grass	6,250	Sq. Yd.	For Phase I and II
6	Grass	3,125	Sq. Yd.	For Phase I and II
7	Grass	1,562	Sq. Yd.	For Phase I and II
8	Grass	781	Sq. Yd.	For Phase I and II
9	Grass	390	Sq. Yd.	For Phase I and II
10	Grass	195	Sq. Yd.	For Phase I and II
11	Grass	97	Sq. Yd.	For Phase I and II
12	Grass	48	Sq. Yd.	For Phase I and II
13	Grass	24	Sq. Yd.	For Phase I and II
14	Grass	12	Sq. Yd.	For Phase I and II
15	Grass	6	Sq. Yd.	For Phase I and II
16	Grass	3	Sq. Yd.	For Phase I and II
17	Grass	1	Sq. Yd.	For Phase I and II
18	Grass	0.5	Sq. Yd.	For Phase I and II
19	Grass	0.25	Sq. Yd.	For Phase I and II
20	Grass	0.125	Sq. Yd.	For Phase I and II

1. All dimensions and quantities shall be provided with a tolerance of plus or minus 5%.

2. The preliminary site plan is intended to show the general location and extent of the proposed improvements.

3. The final site plan shall be submitted for review and approval by the appropriate authorities.

4. The final site plan shall include all necessary details for construction.

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6. The final site plan shall include all necessary details for construction.

7. [Additional notes regarding construction and site management].

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7. [Additional notes regarding construction and site management].

LEGEND

- SLOPES 25% OR GREATER
- FIRE HYDRANTS
- WATER
- STORM DRAIN
- SANITARY LINE

PLANNING NUMBER

PUBLIC SERVICES NUMBER

PRINTED

SEP 26 1988

DAFT-McCUNE-WALKER, INC.

DAFT McCUNE WALKER INC.

LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS SURVEYORS
200 EAST PENNSYLVANIA AVENUE
PHILADELPHIA, PA 19106
TELEPHONE: 215-251-3333

C.R.G.

**ELDERLY HOUSING FACILITY
AT FRANKLIN SQUARE HOSPITAL**

SCALE:
1" = 50'

JOB ORDER NO.
87055A

ISSUE DATE
9-23-88

1 OF 1

87055A.B51